

PROB 12B
(7/93)

Report Date: December 28, 2011

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 29 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Kyle Scott Splattstoesser

Case Number: 2:05CR00194-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, U.S. District Judge

Date of Original Sentence: 10/12/2006

Type of Supervision: Supervised Release

Original Offense: Possession of Child Pornography,
18 U.S.C. § 2252A(a)(5)(B)

Date Supervision Commenced: 9/18/2009

Original Sentence: Prison - 36 Months;
TSR - 60 Months

Date Supervision Expires: 9/17/2014

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 23 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- 24 You shall abstain from the use of illegal controlled substances and shall submit to urinalysis testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

CAUSE

On December 21, 2011, this officer conducted an unannounced home visit at Mr. Splattstoesser's residence at 9:24 a.m. Upon contact with the offender, this officer observed that he was having difficulty walking, talking, and his eyes were blood shot and watery. Kyle Splattstoesser admitted that he had "too much to drink last night at his work party." Mr. Splattstoesser was directed to report to the probation office on December 27, 2011, at 8:00 a.m. When the offender did not report as instructed, this officer contacted him telephonically. Kyle Splattstoesser indicated he did not remember being informed by this officer to report to the probation office. Mr. Splattstoesser was re-directed to report to the probation office on December 28, 2011.

On December 28, 2011, the offender reported to the probation office. He signed an "Eastern District of Washington U.S. Probation Admission of Drug Use" form. He acknowledged that on December 21, 2011, he drank two 12-ounce Pacifico beers, and four Long Island iced teas. He stated he was on a 500-calorie diet, and should not have been drinking. Mr. Splattstoesser also signed a "Waiver of Hearing to Modify Conditions of Supervised Release" to

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include undergoing a substance abuse evaluation and any recommended treatment, and a drug testing condition. He understands the rationale behind these modifications. He also agrees to abide by these added conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/28/2011

s/Brenda J. Kuest

Brenda J. Kuest
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

12/29/11

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 29 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


To modify the conditions of supervision as follows:

- 23 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- 24 You shall abstain from the use of illegal controlled substances and shall submit to urinalysis testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Witness:


Brenda J. Kuest
U.S. Probation Officer

Signed:


Kyle Scott Splattstoesser
Probationer or Supervised Releasee

December 28, 2011

Date